



THE AIR FORCE RESERVE COMMAND

ALTERNATIVE DISPUTE RESOLUTION (ADR) PLAN

FOR WORKPLACE DISPUTES

15 September 2005

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Alternative Dispute Resolution (ADR) *Plan for Workplace Disputes*

I. INTRODUCTION

In passing the Administrative Dispute Resolution Act of 1996 (ADRA of 1996), Congress recognized that agency dispute resolution proceedings had become increasingly formal, costly, and lengthy resulting in unnecessary expenditures of time and a decreased likelihood of achieving consensual resolution of disputes.¹ Congress also found that alternative dispute resolution (ADR) procedures yield decisions that are faster, less expensive and less contentious than traditional agency dispute resolution proceedings and that ADR can lead to more creative, efficient, and sensible outcomes.

Air Force Policy Directive (AFPD) 51-12, *Alternative Dispute Resolution*, implements the ADRA of 1996 and establishes a program to comply with and implement Congressional and DoD mandates to foster ADR in a manner that minimizes unnecessary duplication of effort within the Air Force.² AFI 51-1201, *Alternative Dispute Resolution in Workplace Disputes*, prescribes the Air Force program and various levels within the Air Force. The instruction also requires major commands (MAJCOM) and installations to develop and implement ADR plans. This plan formally establishes the AFRC ADR Program and provides implementing guidelines for installation programs and operational plans.

II. MISSION, GOALS AND VISION

The mission of the AFRC ADR Program for Workplace Disputes is to: (1) enhance the frequency and efficiency of workplace dispute resolution throughout the command; (2) match AFRC ADR needs with appropriate resources; and (3) translate individual dispute resolution knowledge and skills into a corporate capability.

The goal of the AFRC ADR Plan is to implement a command-wide ADR program, which provides a framework/process for the development of installation-level ADR programs within AFRC.

The AFRC ADR vision, consistent with AF policy, is to promote the use of ADR to the maximum extent practicable and appropriate to resolve workplace disputes at the earliest stage possible, by the fastest and least expensive method possible, and at the lowest possible organizational level.

¹ See Congressional findings in Section 2 of Pub. L. No. 104-320, 110 Stat. 3870 (1996).

² See Department of Defense Directive 5154.5 (Apr. 96), para. D. that states:

- a. Each DoD Component shall establish and implement ADR policies and programs. Each Component shall make use of existing government ADR resources to avoid unnecessary expenditure of time and money.
- b. All DoD Components shall use ADR techniques as an alternative to litigation or formal administrative proceedings whenever appropriate. Every dispute, regardless of subject matter, is a potential candidate for ADR.
- c. Each DoD Component shall review existing approaches to dispute resolution and, where feasible, foster increased use of ADR techniques. Components shall identify and eliminate unnecessary barriers to the use of ADR.

III. SCOPE

The scope of the AFRC Plan incorporates opportunity for voluntary ADR of workplace disputes that arise in any context and involve any AFRC personnel, civilian or military. ADR techniques should be available to assist in resolving matters raised within equal employment opportunity (EEO), Merit Systems Protection Board (MSPB), negotiated grievance procedure (NGP), administrative grievance procedure (AGP), unfair labor practice charges (ULP), military equal opportunity and treatment (MEO),³ and any other potential workplace disputes.

IV. ADR PROGRAM STRUCTURE AND KEY PLAYERS

A. HQ USAF

Air Force Policy Directive 51-12 establishes the Air Force ADR policy and program infrastructure. AFI 51-1201 further implements the Air Force ADR policy and program goals in workplace disputes and assigns roles and responsibilities at the Headquarters Air Force, MAJCOM, and installation levels. Consistent with AFI 51-1201, the organizations below have the following responsibilities:

1. SAF/GC

The Office of the General Counsel has overarching responsibility for coordinating and assisting in the development of component, i.e., Acquisition, Environmental, and Workplace, ADR plans and is responsible for establishing and implementing Air Force ADR policy, guidance, and regulations. SAF/GCD secures monies in the Air Force POM and uses these corporate funds to provide for ADR related training, travel, and services. SAF/GCD works closely with appropriate AFRC MAJCOM and installation level functional offices to match AFRC ADR training, implementation, and guidance needs with existing Air Force resources.

2. AF/DP

The Deputy Chief of Staff for Personnel (AF/DP) works with SAF/GCD to provide guidance on the use of ADR in civilian and military equal opportunity and labor-management relations programs. The Directorate of Personnel Policy, AF/DPP, is the OPR for exercising this function.

³ Military personnel disputes appropriate for resolution through the mediation process or technique shall be screened in accordance with applicable Air Force Instructions. For Military Equal Opportunity and Treatment Program (MEO) cases, see AFI 36-2706, Chapter 4, Section 4B.

Mediation is not intended as a substitute for appropriate action under the Uniform Code of Military Justice (UCMJ) or for use in appealing any action under the UCMJ. Specifically, mediation shall not be used to address misconduct by military members that may be actionable under the UCMJ.

B. HQ AFRC

1. HQ AFRC/DP

Since the majority of workplace disputes are governed by personnel regulatory guidelines/procedures, HQ AFRC/DP is the command ADR Champion, and serves as the ADR process owner. HQ AFRC/DP may delegate this responsibility to a lower level for implementation/execution. The AFRC ADR Champion is responsible for developing and implementing the command ADR Plan, ensuring the development of each AFRC installation's individual ADR Plan, providing oversight of the ADR program within the command, and annually assessing the development and progress of the command ADR program through the collection of annual reporting data from the local installations.

2. HQ AFRC/DPCE

Review all settlement agreements granting monetary awards in excess of \$5,000 and any settlement agreements involving Air Reserve Technician (ART) programs/policies such as Mandatory Separation Date (MSD), High Year of Tenure (HYT), Non-dual Status Technicians (NDST) and/or AFRC resources, e.g., agreements requiring a request for over-hire or over-grade waiver, for consistency with command policy and budget.

C. AFRC Installations

1. Installation Commander

Each Commander, or designee, will:

(a) Issue a written policy encouraging the use of ADR in workplace disputes whenever practicable and appropriate to do so.

(b) Appoint a single ADR Champion to: (1) work with key stakeholders in developing/implementing an installation-level workplace dispute ADR plan, consistent with the AFRC ADR Plan; and (2) promote the use of ADR to resolve workplace disputes. Appointment of the ADR Champion shall be accomplished IAW Part IV.C.2 below.

2. ADR Champion

ADR Champions coordinate all workplace ADR efforts at their installation within and among the functional communities.

(a) Selection by Commander - While use of ADR techniques must be voluntary, Commanders must be strong advocates in order for ADR to succeed. Commanders must place special emphasis on selection of their installation ADR Champion and ensure that this person is viewed as the most trusted, respected, objective, and fair neutral party by all segments of the workforce.

(b) Roles and Responsibilities - The ADR Champion is the single point of contact for all workplace dispute ADR program activity at the installation, including but not limited to the following elements:

- (1) Program oversight/implementation
- (2) Data collection/reporting
- (3) Develop/project annual funding/resource requirements
- (4) ADR Awareness Training and program marketing
- (5) Mediator training/resource requirement projection
- (6) Mediator performance evaluation
- (7) Assist/administer case screening/selection for use
- (8) Send complaints raising military issues to SJA for screening
- (9) Coordination of ADR activity across functional lines, e.g. EEO, MEO, JA, and/or the CPF
- (10) Selection of trusted neutrals as mediators
- (11) Forwarding *draft* settlement agreements requiring MAJCOM review to HQ AFRC/DPCE.
- (12) Other duties as specified in AFI 51-1201, paragraph 12

The ADR Champion will work with the CPF and local unions, as appropriate, to develop plans or negotiate appropriate agreements for the use of ADR in workplace disputes for the Installation Commander's approval. Ensure that any agreement/contract article regarding the use of ADR already negotiated is fully implemented and integrated to the extent practicable within the overall installation workplace dispute ADR plan. Coordinate any agreements/ADR plan with the unions with the installation CPF and SJA or designee to ensure compliance with applicable laws, regulations, and local collective bargaining agreements.

3. ADR Functional Area Managers (FAM)

If necessary and helpful to effective administration of an installation's ADR plan, the ADR Champion may designate, with the concurrence of the office involved, a FAM in any office having a functional responsibility for resolving workplace disputes, e.g., CPF, EEO, or JA. The FAM will serve as his or her office's primary POC for the ADR Champion to facilitate the use of ADR in any dispute resolution process for which that office has a functional responsibility. Designation of FAMs is entirely optional, and will depend largely on the volume and scope of the installation's workplace disputes activity. ADR Champions who themselves are assigned to an office with workplace disputes responsibility, e.g, CPF, EEO, ordinarily will not designate a FAM for that office.

4. Staff Judge Advocate (SJA) Servicing the AFRC Installation

The SJA provides legal advice to the Commander and ADR Champion in the development and execution of the installation ADR program, advises the Commander or designee of the suitability of workplace disputes for ADR giving consideration to the appropriateness of ADR for both civilian and military issues IAW governing instructions/regulations, provides timely advice and guidance on legal issues arising in connection with ADR proceedings, including confidentiality of ADR communications and (if applicable) union participation in ADR proceedings other than as a party or party representative,

and reviews settlement agreements for legal compliance as provided in Part V.D below. Ensure ADR Champions forward draft settlement agreements, as applicable, to HQ AFRC/DPCE.

5. Installation Civilian Personnel Flight (CPF)

The CPF will assist the installation ADR Champion in developing and implementing the installation ADR program, and work with other functional offices, including the union as appropriate, to foster the use of ADR in non-EEO workplace dispute processes that are targeted for ADR by the installation ADR plan. These dispute processes can include Administrative Grievance Procedure (AGP) and Negotiated Grievance Procedure (NGP) grievances, ULP allegations, MSPB appeals, and other civilian workplace disputes that are outside the EEO complaint system. In addition, the CPF will review settlement agreements for compliance with Air Force, DoD, and federal personnel policies and regulations as provided in Part V.D below. Ensure ADR Champions forward draft settlement agreements, as applicable, to HQ AFRC/DPCE.

6. Installation EEO Manager

The EEO Manager is responsible for ensuring that ADR is available for informal and formal EEO complaints IAW EEOC directives. In addition, the EEO Manager will assist the installation ADR Champion in developing and implementing the installation ADR program for use in EEO complaints and work with other functional offices, including the union, as appropriate, to integrate ADR into the EEO complaints program. In addition, the EEO Manager assures compliance with EEOC and Air Force EEO policies and regulations, as provided in Part V.D. below. Ensure ADR Champions forward draft settlement agreements, as applicable, to HQ AFRC/DPCE.

7. Local Unions

The local unions at each installation are essential stakeholders, whose participation and support for using ADR to resolve all workplace disputes, including employee grievances and ULP charges, are essential to overall program success. It is essential to include the local union in the design and negotiate the implementation of the installation ADR plan if grievances and labor-management disputes are to be included within the scope of the program.

Consistent with the above, local union(s) may, at their discretion, designate an “ADR Advocate.” The ADR Advocate is a union official who serves as the union’s primary liaison with management concerning the installation ADR program and its implementation, including drafting and revising the ADR plan, appointment and training of collateral duty mediators, ADR marketing, and the use of ADR in specific disputes.

8. Mediators/Neutrals

(a) The ADR Champion may recruit and maintain a pool of qualified individuals to serve as workplace dispute mediators or other neutrals, e.g., facilitators, for the installation on a collateral duty basis. Bases with minimal workplace dispute/ADR activity, e.g., an annual average of fewer than five (5) disputes, have the option of obtaining mediators and other neutrals from outside sources as the need arises in lieu of establishing a pool of neutrals. Outside sources include other Air Force installations, other federal agencies, or private sector neutrals. SAF/GCD can assist bases in obtaining the services of outside neutrals on a case-by-case basis.

(b) The ADR Champion shall ensure that individuals selected as mediators are trusted, respected, objective, and fair neutrals. In addition, the Air Force Mediation Compendium outlines standards that Air Force mediators and case intake officials must maintain when providing mediation services. These standards include self-determination, impartiality, conflict of interest, confidentiality, and quality of the process. AFRC will adhere to these guidelines.

(c) Individuals selected for mediator training and assignment should possess a special blend of experience, personality traits and skills in order to ensure their effectiveness. In order to remain effective following initial training, mediators need to employ their skills on a regular basis. Commanders should, therefore, only appoint and train the number of mediators necessary to ensure that each has an opportunity to serve at least once per quarter, and preferably more often. Further, in order to remain effective, mediators should receive eight hours of refresher training at least every 12 months.

(d) The ADR Champion should ensure that trained mediators are utilized regularly, e.g., at least once every 6 - 12 months, in order to sharpen/improve their mediation skills. Do not appoint and train more mediators than can be utilized effectively. Mediators who have not mediated or observed mediations for a period of 36 months should be removed from the roster of mediators in EEONet.

D. AFRC Tenant/Associate Wing Commanders

Ensure cooperation/compliance with the host base ADR plan and/or negotiated agreement articles dealing with the use of ADR in workplace disputes. Consider allowing AFRC employees to serve as collateral duty mediators. Ensure any complaints/grievances filed by ARTs that include military issues are screened IAW AFI 36-2706, Section 4B, before mediation is offered. Ensure draft settlement agreements granting awards in excess of \$5,000 and any settlement agreements involving Air Reserve Technician (ART) programs/policies such as Mandatory Separation Date (MSD), High Year of Tenure (HYT), Non-dual Status Technicians (NDST) and/or AFRC resources, e.g., agreements requiring a request for over-hire or over-grade waiver, are forwarded to HQ AFRC/DPCE for consistency with command policy and budget.

V. ADDITIONAL REQUIREMENTS

A. Compliance with Equal Employment Opportunity Commission (EEOC) Regulations

In accordance with EEOC regulations found at 29 C.F.R. 1614, every AFRC installation workplace dispute ADR plan must encompass EEO informal and formal complaints. The installation EEO Manager serves as the primary POC for disputes involving alleged discrimination and shall work closely with the installation ADR Champion on ADR matters related to EEO cases. In addition, the Air Force has deployed the new EEONet web-based case management and data reporting system to standardize EEO and ADR reporting within the Air Force to EEOC. Those documents that relate to ADR will also be available on the Air Force ADR Program website at <http://www.adr.af.mil>.

B. ADR Case Selection Criteria

The ADRA of 1996 and AFI 51-1201 identify disputes that are appropriate/eligible for ADR as well as certain situations or conditions which would typically preclude the use of ADR⁴. If any of the considerations listed below apply to an issue in controversy, use of ADR *may not* be appropriate:

- (1) A definitive and authoritative decision is needed as a precedent.
- (2) The matter involves significant issues of Government policy and ADR will not assist policy development.
- (3) Maintaining established policy and avoiding variations in implementation is of special importance.
- (4) The matter significantly affects non-parties.
- (5) A full public record of the proceeding or resolution is important.
- (6) The agency must maintain continuing jurisdiction over the matter with the right to alter the resolution as circumstance demands.

In addition, other cases may be inappropriate for ADR, based on the type of case or particular facts and circumstances, e.g., allegations of fraud, waste, or abuse and cases involving military misconduct actionable under the UCMJ prohibit the use of ADR. Refer to AFI 51-1201, paragraph 21, for guidance in screening cases for ADR suitability. In all cases, screening to determine whether a dispute is appropriate for ADR must be accomplished *before* an unconditional offer of ADR is made.

C. ADR Program Education and Training

1. ADR Awareness Education

The Air Force ADR Program Office, SAF/GCD, will, upon request of the AFRC ADR Champion and to the extent that resources permit, provide ADR awareness education. Such

⁴ See 5 U.S.C. § 572(b).

ADR awareness education should be provided to commanders, supervisors, managers, other military and civilian personnel, and union officials. The purpose of ADR awareness education is to increase overall understanding and acceptance of the ADR process and when its use is appropriate, rather than providing specific skills training for individuals to actually perform as workplace dispute mediators. All ADR awareness education will, at a minimum:

- (a) Ensure attendees understand what ADR is and how it can assist them in resolving disputes in a consensual, non-adversarial manner;
- (b) Understand the potential of ADR to resolve the issues underlying a dispute;
- (c) Understand the potential of ADR to achieve time and cost savings by providing conflict management tools necessary to resolve disputes at the earliest possible time; and
- (d) Understand not all disputes are appropriate for resolution through ADR.

2. Mediator Skills Training

As a general rule, only those individuals appointed by Commanders to be mediators at each installation should receive mediator skills training. On a case-by-case basis, others may be nominated to receive such specific mediator skills training in order to enhance their contribution to the workplace dispute ADR program.

Mediator skills training provided by the Air Force ADR Program Office is normally centrally funded by the SAF/GCD. Other sources for funded/partially funded mediator training include the Defense Equal Opportunity Management Institute (DEOMI) and the Air Force Human Resources Management School. The Air Force ADR Program Office requires Installation ADR Champion(s) to secure the written approval from the supervisor of all nominees for mediation training that is consistent with items (a) – (d), below.

Where mediator training meeting the standards of the AF ADR program is available at no cost, or when the AF ADR Program Office has declined to provide central funding, installations may locally obtain and locally fund such training without prior approval of the AF ADR Program Office. Ensure that training from non-Air Force sources meets minimum Air Force requirements of at least 30 hours combined classroom training and role-playing exercises.

The AF ADR Program Office has established the following guidelines for nominating mediation training attendees that, if provided in writing, will significantly enhance the nominee's selection potential:

- (a) Attend the 32 hour basic mediation training that is consistent with the guidance provided in the Air Force Mediation Compendium;
- (b) Strive to maintain and improve their mediation skills, by activities such as keeping abreast of new developments by reading newsletters, journals, web sites, etc, or attending locally available training, for 24 months after completion of the Air Force Basic Mediation Course.
- (c) Strive to attend regular mediator training meetings scheduled by the ADR Champion that will provide training on topics such as improving communication skills; mediator ethics; various complaint systems; terms of the union contract; interest-based bargaining techniques; role-playing; improving parts of mediation, e.g., opening statements,

what to listen for in parties' statements, moving to caucus, identifying impasses; overview of personnel policies/procedures and points of contact, and

(d) If requested, attend the Air Force Advanced Mediation Course.

D. Legal/Compliance Support/Review of ADR Settlement Agreements

AFRC policy strongly encourages the formation of settlement agreements arrived at through the use of ADR techniques. Not all workplace issues or problems become workplace "disputes". Similarly, settlement agreements involving workplace issues *may* be simple oral understandings (a "handshake"). However, any settlement agreement must be in writing and signed by the parties if an individual has invoked a formal workplace dispute process (e.g., filed an EEO informal complaint, filed an informal grievance under the AGP or a NGP, met at step 1 of the NGP, or engaged in mediation or a negotiated ADR process prior to Step 1 of the NGP).

In order to ensure that such written settlement agreements are legally valid, enforceable, and/or do not conflict with any regulatory requirements or provisions of a collective bargaining agreement, each written settlement agreement should be reviewed by the servicing SJA and CPF. Settlement agreements granting awards in excess of \$5,000 and any settlement agreements involving Air Reserve Technician (ART) programs/policies such as Mandatory Separation Date (MSD), High Year of Tenure (HYT), Non-dual Status Technicians (NDST) and/or ART resources, e.g., agreements requiring a request for over-hire or over-grade waiver, must also be reviewed by HQ AFRC/DPCE for consistency with command policy and budget. SJA review is for legal sufficiency. CPF review is to ensure compliance with applicable personnel rules, policies, regulations/ instructions, and collective bargaining agreements. CPF coordination with the Air Force Personnel Center (AFPC) may also be necessary if a settlement concerns a specific action for which AFPC is responsible. Caution should be exercised in coordinating agreements long distance to protect the confidentiality of the involved parties and to safeguard documents. SJA, CPF, and HQ AFRC review/coordination should occur *before* the conclusion of the ADR process, i.e., before a settlement agreement is actually signed by the parties to avoid any potential compliance problems, but not later than three workdays following the ADR process if immediate coordination is not possible. It is always preferable for the ADR Champion or mediator to have voice and fax numbers for each of these offices available so the agreements can be reviewed and coordination accomplished while the parties are still present.

E. ADR Program Assessment

1. ADR Program Metrics

To ensure that the ADR Program goals are clearly defined and accurately measured, the AFRC ADR Champion (HQ AFRC/DP or designee) will utilize the following metrics to quantify and evaluate program performance. Data and metrics are gathered for informational purposes and to assist in resource allocation planning, and shall not be used to compare individual installation ADR programs.

a. ADR Attempt Rates

Analyzes each installation's performance relative to the previous year. The goal is to attempt ADR in at least 50% of the aggregate of eligible disputes. The desired trend is to increase attempt rates until ADR is attempted in approximately all disputes where appropriate. Separate percentage goals may be established for specific categories of disputes, e.g, EEO complaints, grievances, etc. Rates will be identified as the program matures and the metric is modified accordingly.

b. ADR Resolution Rates

Analyzes the number of disputes resolved through ADR. The goal is to resolve at least 70% of the disputes in which ADR is attempted. The resolution percentage should increase over time until reaching the maximum reasonable level, however, ADR Champions must ensure that the resolution rate goal is not used to improperly pressure parties into settlements. This level will be identified as the program matures and this metric is modified accordingly.

c. Timeliness of ADR Resolutions

Analyzes the average number of days required to begin and complete an ADR process, e.g., "at installation X, we processed our ADR cases in an average of 32 days." The goal for this metric is an average of 45 calendar days or less.

d. Quality Assurance

Measure customer satisfaction regarding the provision of ADR services to ensure the quality of the services provided and the competence of the neutrals providing those services. The goal is to achieve an overall rating of "satisfied" or better for the ADR process employed from at least 80% of the respondents, and an overall rating of "good" or better for the neutral from at least 80% of the respondents, during the measuring period. See Attachment 3.

2. Quality and Evaluation of Neutrals

The installation-level ADR Champions will ensure the parties to each ADR proceeding receive an ADR evaluation form (see Attachment 3) to complete (voluntarily and anonymously if they so choose) and give to the neutral or the ADR Champion or designee following the termination of the proceeding. The ADR Champion will collect, review, and summarize these evaluations from the neutrals and will use this information to ensure the quality of the services provided by ADR neutrals remain high.

Unless otherwise provided for by local agreement, any complaints or problems with a specific mediator should be directed to the installation ADR Champion for appropriate consideration and action.

Any complaints or problems with an outside third-party neutral under contract with the Air Force should be directed through the installation and AFRC ADR Champions to the AF ADR Program Office for appropriate consideration and action.

3. Annual Report

All AFRC installations will prepare and submit reports of their ADR data, including performance metrics, as requested by SAF/GCD, IAW AFI 51-1201, paragraph 39. Reports will be submitted via the medium designated by SAF/GCD in its request. Base reports will be coordinated with HQ AFRC/DP, who will, in turn, coordinate the data with HQ AFRC/JA. All bases must verify their data with their CPF, EEO, and JA offices before submitting it to HQ AFRC/DP and SAF/GCD.

Appendix 1. Installation Plan Rollout and Implementation.

- A. AFRC/CV appointment of ADR Champion (ECD 15 Sep 05)**
- B. AFRC/CV approval of AFRC ADR Plan (ECD 15 Sep 05)**
- C. AFRC/CV issues ADR policy statement (ECD 15 Sep 05)**
- D. Installation Commanders appoint local ADR Champion (ECD 15 Oct 05)**
- E. AFRC ADR Champion compiles/distributes a list of installation ADR Champions and their contact information (ECD 15 Oct 05)**
- F. Installations develop local ADR Plans (ECD 1 Dec 05)**
- G. Installation CCs issue written ADR policy and approve ADR plan (ECD 16 Dec 05)**
- H. Installation CCs appoint current/new collateral duty mediators/neutrals, as applicable (ECD 1 Jan 06)**
- I. ADR Champions arrange to provide ADR Awareness Training (SAF/GCD will provide suggested materials) (required annually)**
- J. Incorporate ADR Awareness Training into local training courses, e.g., supervisory and new employee training/orientation (completed FY 06)**
- K. Follow-up briefings by local ADR Champion with Commander within 90 days (accomplished as necessary during mediation process)**
- L. Conduct program assessment, e.g., fiscal year end reports (ECD 1 Oct each year)**

Appendix 2. ADR Resources

Air Force ADR (SAF/GCD) webpage: <http://www.adr.af.mil>

Air Force Mediation Compendium: <http://www.adr.af.mil/compendium>

Air Force ADR AFI: <http://www.e-publishing.af.mil/pubfiles/af/51/afi51-1201/afi51-1201.pdf>

Air Force ADR Implementation Resource Guide including samples of installation ADR Plans, policy letters, memoranda of agreement, CBA provisions, appointment letters, etc.:
<http://www.adr.af.mil/afadr/adrpirg/index.html>

Appendix 3 - AFRC Workplace Dispute ADR Evaluation Form

| | |
|--|--|
| Date Parties Agreed to Use ADR: _____ Date ADR Completed: _____ Time ADR Started: _____ Time ADR Ended: _____ | ADR Number (if any): _____ Neutral: _____ |
|--|--|

1. What was your role in the case? () **Employee** () **Union** () **Agency** () **Other**
 (please specify) _____

2. How would you compare the amount of time taken to resolve this case using the ADR process compared with what you believe would have been required if a formal dispute resolution had been used to resolve this dispute? ADR was:

() **Significantly faster** () **Somewhat faster** () **Same amount of time** ()
Somewhat slower () **Significantly slower**

3. **ADR PROCESS** - The following questions concern your experience with the ADR Process. Please tell us how satisfied you were with each of the following features of the process. (Please check one)

| <i>Feature</i> | <i>Very Satisfied</i> | <i>Somewhat Satisfied</i> | <i>Neutral</i> | <i>Somewhat Dissatisfied</i> | <i>Very Dissatisfied</i> |
|---|-----------------------|---------------------------|----------------|------------------------------|--------------------------|
| Amount of information you received about the process. | | | | | |
| Amount of control you had over the process. | | | | | |
| Opportunity to present your side of the dispute. | | | | | |
| Fairness of the process. | | | | | |
| Overall outcome of the process. | | | | | |
| Speed with which the dispute was resolved. | | | | | |
| Outcome of the process compared to what you expected it to be before it took place. | | | | | |
| Overall, how satisfied were you with the ADR process? | | | | | |

4. **Mediator/Facilitator**: Would you please take a moment to evaluate your mediator/facilitator using the following chart? (Please check one)

| | <i>Excellent</i> | <i>Good</i> | <i>Average</i> | <i>Fair</i> | <i>Poor</i> |
|---|------------------|-------------|----------------|-------------|-------------|
| 1. Neutrality (Did the mediator/facilitator have the appearance of impartiality, without favoritism or bias?) | | | | | |
| 2. Communication (How well did the mediator/facilitator facilitate communication between the parties?) | | | | | |
| 3. Managing the ADR Process (Did the mediator/facilitator effectively handle conflicts, suggest movement ideas, propose problem-solving solutions?) | | | | | |
| 4. Patience (Did the mediator/facilitator devote the necessary time and attention to the parties to keep the process moving without appearing to rush or be in a hurry to complete the process?) | | | | | |
| 5. Expertise (Did the mediator/facilitator demonstrate the necessary expertise to mediate this type of dispute?) | | | | | |
| 6. Facilitative Abilities (Did the mediator/facilitator ask relevant questions to seek out pertinent information and keep the process moving forward?) | | | | | |
| 7. Overall Ability of the Mediator/Facilitator in General | | | | | |

5. Outcome of the Mediation Please Check one: () **Full Settlement** () **Partial Settlement** () **Did not Settle**

6. Would you recommend this process? () **Yes** () **No**

7. Would you recommend this Mediator/Facilitator for future mediations? () **Yes** () **No**

Comments: _____

Appendix 4 – Nomination Form For Basic Mediation Course

I. BACKGROUND INFORMATION

1. Name: _____
 2. Title: _____
 3. Organization: _____
 4. Rank _____
 5. Phone: _____
 6. Fax _____
 7. E-Mail: _____
 7. SSN: _____
8. To help us with budgeting for your expenses, please indicate whether you would travel to this course: _____ By Car _____ By Plane

II. OPPORTUNITY FOR NOMINEE TO USE MEDIATION SKILLS

1. Types of workplace disputes nominee handles
 - a. _____ EEO Complaints
 - b. _____ Labor/Management Disputes
 - c. _____ MSPB Matters
 - d. _____ Other (please specify)
2. Number of foregoing complaints handled by nominee in FY __:
3. Number of foregoing complaints handled by nominees office in FY __:
4. Other relevant information about nominees opportunity to use mediation skills:

III. QUALIFICATIONS OF NOMINEE

Successful mediators possess special skills and abilities. The nominee's supervisor must agree in writing below that the nominee has the ability to:

- _____ glean and analyze information from disputants;
- _____ listen actively;
- _____ suspend judgment;
- _____ facilitate communication between disputants;
- _____ facilitate options for resolution of disputes; and
- _____ draft clearly-worded settlement agreement.

As the supervisor of _____ I believe that _____
(Name of Nominee for the Basic Mediation Course) has demonstrated the ability to do each of
the foregoing:

Name and Title

IV. NOMINEE'S PLEDGE

I have discussed the foregoing with my supervisor and with the his/her support make the
following pledge to:

- Attend the 32 hour Air Force Basic Mediation Course;
- Strive to maintain and improve their mediation skills for 24 months after completion of
the Air Force Basic Mediation Course;
- Strive to attend regular mediator training meetings scheduled by the Installation ADR
Advocate(s) that will provide training on topics such as improving communication skills;
mediator ethics; various complaint systems; terms of the union contract; interest-based
bargaining techniques; role-playing; improving parts of mediation (i.e. opening
statements, what to listen for in parties' statements, moving to caucus, identifying
impasse,) overview of personnel policies, procedures and POCs; and
- If requested, attend the Air Force Advanced Mediation Course.

Nominee

Date